

By: Hall

S.B. No. 1583

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting institutions of higher education or
3 entities receiving public funds from conducting gain of function
4 research on potentially pandemic pathogens in this state; creating
5 a civil penalty.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. The legislature finds that:

8 (1) gain of function research was a concern for the
9 federal government, resulting in a three-year moratorium on the
10 funding of that research from 2014 to 2017;

11 (2) the COVID-19 pandemic may have been the result of a
12 pathogen leak from a secure lab in which gain of function research
13 was being conducted;

14 (3) gain of function research, which involves
15 manipulating potentially pandemic pathogens, poses a biosecurity
16 vulnerability to this state; and

17 (4) residents of this state have a right to know the
18 vulnerabilities posed by gain of function research on pathogens.

19 SECTION 2. Subtitle H, Title 3, Education Code, is amended
20 by adding Chapter 158 to read as follows:

21 CHAPTER 158. RESEARCH INVOLVING POTENTIALLY PANDEMIC PATHOGENS

22 Sec. 158.001. GENERAL DEFINITIONS. In this chapter:

23 (1) "Gain of function research" means research that
24 may reasonably be anticipated to enhance the transmissibility or

1 virulence of a potentially pandemic pathogen.

2 (2) "Institution of higher education" has the meaning
3 assigned by Section 61.003.

4 Sec. 158.002. DEFINITION OF POTENTIALLY PANDEMIC PATHOGEN.

5 (a) In this chapter, "potentially pandemic pathogen" means a
6 virus, bacteria, fungus or eukaryotic parasite, or any strain or
7 variant of a virus, bacteria, fungus or eukaryotic parasite, that
8 is:

9 (1) likely, moderately, or highly transmissible and
10 likely capable of wide and uncontrollable spread in human
11 populations;

12 (2) likely, moderately, or highly virulent and likely
13 to cause significant mortality and morbidity in human beings; or

14 (3) likely to pose a severe threat to public health and
15 safety, the capacity of public health systems, or the security of
16 this state if allowed to spread within the general population.

17 Sec. 158.003. PROHIBITED GAIN OF FUNCTION RESEARCH ON
18 POTENTIALLY PANDEMIC PATHOGENS. (a) Notwithstanding any other
19 law, an institution of higher education may not conduct or provide
20 funding to another entity to conduct gain of function research on
21 potentially pandemic pathogens.

22 (b) An institution of higher education that violates this
23 section is ineligible to receive state funds.

24 SECTION 3. The heading to Chapter 81, Health and Safety
25 Code, is amended to read as follows:

26 CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC
27 HEALTH EMERGENCIES; POTENTIALLY PANDEMIC PATHOGENS

1 SECTION 4. Chapter 81, Health and Safety Code, is amended by
2 adding Subchapter K to read as follows:

3 SUBCHAPTER K. REPORT ON RESEARCH INVOLVING POTENTIALLY PANDEMIC
4 PATHOGENS

5 Sec. 81.451. DEFINITIONS. In this subchapter:

6 (1) "Institution of higher education" has the meaning
7 assigned by Section 61.003, Education Code.

8 (2) "Potentially pandemic pathogen" has the meaning
9 assigned by Section 158.002, Education Code.

10 Sec. 81.452. REQUIRED REPORT. (a) Each entity, including
11 an institution of higher education and a private college or
12 university, or other private entity, that intends to conduct
13 research on a potentially pandemic pathogen in this state,
14 regardless of whether the entity will use state money for the
15 research, shall, at least 90 days before beginning the research,
16 provide to the department a written report on the intended research
17 that includes the following information:

18 (1) the location where the research will be conducted;

19 (2) the scope, nature, and purpose of the research;

20 (3) the source of funding for the research;

21 (4) the identity of the pathogen, including the
22 strains or variant of the pathogen, that will be used or analyzed in
23 the research;

24 (5) the potential impacts the pathogen will have on
25 the public if released into the general population; and

26 (6) the measures the entity will take to ensure the
27 pathogen is not released into the general population.

1 (b) On the department's request, an entity that submits a
2 report under Subsection (a) shall provide to the department any
3 additional information the department determines is necessary for
4 the department to:

5 (1) properly inform federal, state, and local
6 governmental authorities that the research will be conducted; and

7 (2) ensure adequate response plans and resources are
8 available in the event a potentially pandemic pathogen is released
9 into the general population.

10 (c) If, after reviewing the information the entity submits
11 under Subsections (a) and (b), the department determines that the
12 entity's intended research poses a substantial and unjustifiable
13 risk to public health and safety, the capacity of public health
14 systems, or the security of this state, the department may:

15 (1) for research conducted by an institution of higher
16 education, request the governor to issue an order prohibiting the
17 research; or

18 (2) for research conducted by a private college,
19 university, or other private entity, request the attorney general
20 to seek an injunction to enjoin the conduct of the research.

21 Sec. 81.453. CIVIL PENALTY. (a) An entity that fails to
22 timely submit a report required by Section 81.452 is liable to this
23 state for a civil penalty in an amount not less than \$50,000 or more
24 than \$100,000 for each violation. Each day of a continuing
25 violation is a separate violation.

26 (b) The attorney general may investigate an alleged
27 violation of this section and may sue to collect the civil penalty.

1 (c) Sovereign or governmental immunity of an institution of
2 higher education to suit is waived and abolished to the extent of
3 liability created by this section.

4 Sec. 81.454. RULES. The executive commissioner shall adopt
5 the rules necessary to administer this subchapter, including rules
6 prescribing the form and manner of submitting the report required
7 by Section 81.452.

8 SECTION 5. As soon as possible after the effective date of
9 this Act, the executive commissioner of the Health and Human
10 Services Commission shall adopt rules necessary to implement
11 Subchapter K, Chapter 81, Health and Safety Code, as added by this
12 Act.

13 SECTION 6. This Act takes effect September 1, 2023.